

Issues Confronting Parliaments

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My aim is to provide a fresh perspective on the topic by stepping back from the itemised list of ‘issues confronting parliaments’ and by sorting issues into three broad categories for consideration. These categories reflect three political perspectives relevant to the debate about parliamentary futures. I label the perspectives ‘cynicism’, ‘realism’ and the one that I will argue in favour of — ‘idealism’. My three labels are terms of convenience highlighting three distinct models of what constitutes an ‘effective’ parliament. My aim is to clarify discussion of the ‘issues confronting parliaments’ by relating debate about competing issues back to these three convenient models of parliamentary effectiveness.

Detail versus perspective

The strength of this topic is that it forces us to take stock of where parliaments are going as prominent public institutions. The topic suggests that many of the most important challenges are external ‘issues’ which are ‘confronting’ these very traditional political institutions. But one potential weakness of this topic is that it is so open-ended it invites all involved in managing or monitoring parliamentary activities to present their favourite lists of pet problems and preferred solutions. The risk of what might be called ‘issue overload’ mounts, because for every observer there will be another list of priority issues. Surprisingly, this profusion of lists can leave readers listless, thereby enervating rather than energising public discussion of parliamentary futures.

Frequently, the circulation of itemised issue-lists crowds out discussion of more fundamental questions, with the wood getting lost behind the array of different trees. Discussion of parliamentary reform is usually based on the issues most valued

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by particular reformers. For instance, proponents of bicameralism call attention to the perils of unicameralism, while proponents of unicameralism call attention to the blockages arising from bicameralism. In Australia as elsewhere, what passes for an 'issue' varies with the viewpoint of observers, reflecting the wide range of institutional interests at work under the umbrella term 'parliament'.¹ To take another example: supporters of streamlined executive governance see one set of pressing 'issues' which barely overlap with those seen by supporters of greater parliamentary accountability for political executives.²

My hope is that this article will help to sharpen the discussion about how parliaments, particularly those in Australia, New Zealand, and the region covered by the Australasian Study of Parliament Group (ASPG), might become more effective as core public institutions. Perhaps the most important task in reviewing parliamentary effectiveness is to get elected representatives to confront their own institutions and rethink their own roles as elected representatives. Analysts have found this difficult when dealing with Westminster, so it should not come as a surprise that this is one of the most difficult challenges facing the Westminster-derived and modified parliamentary systems found within the ASPG sphere.³

What is an effective parliament?

In important respects, an effective parliament is very much like an effective professional conference: one that stirs things up a bit, like the conference from which these articles are drawn. Too often we evaluate parliamentary performance in terms of an implicit model of a perfect parliament, one organised around a tidy conveyer-belt of parliamentary processes constructing coherent policy outputs. Uneasy with the messiness of actual parliamentary procedures, we look for reforms to overcome the protracted routines of parliamentary politics. We think of parliament as yet another traditional public institution requiring organisational reform to bring it into line with reigning managerial models of 'results-oriented' public organisations. We hope that elected members can display useful initiatives, and further, that parliaments can take greater institutional responsibility for managing the interplay of initiatives to generate better 'products': legislative and policy outputs reflecting political consensus.⁴

¹ Consider N.J. Ornstein, ed., *The Role of the Legislature in Western Democracies*, Washington: American Enterprise Institute, 1981; and G.W. Copeland and S.C. Patterson, eds, *Parliaments in the Modern World*, University of Michigan Press, 1994.

² See, for example, M. Aldons, 'Rating the effectiveness of committee reports', *Australasian Parliamentary Review* 16(1), 52–60, Autumn 2001; and R. Mulgan and J. Uhr, 'Accountability and Governance', in G. Davis and P. Weller, eds, *Are You Being Served?* Allen & Unwin, 2001, 152–74.

³ Consider M. Jogerst, *Reform in the House of Commons: the select committee system*, University Press of Kentucky, 1993; and D.D. Searing, *Westminster's World: understanding political roles*, Harvard University Press, 1994.

⁴ John Uhr and John Wanna, 'The Future Roles of Parliament', in M. Keating, J. Wanna and P.

But we should not confuse political effectiveness with organisational tidiness. It is important that we begin to rethink parliamentary effectiveness by getting ‘outside the box’ which constructs an effective parliament in terms of the management of orderly outputs. For many critics, including many critics within our parliaments, the source of parliamentary ineffectiveness is institutional incoherence.⁵ Examples are such things as overlapping committees; unnecessary waste of time and energy from duplication of debate; and what I call the whole ‘agony of adversarialism’ which pits party against party, Government against Opposition, upper house against lower house, front-bench against back-bench, big parties against minor parties, even independents against independents. Critics see this as the warring spirit of the political skirmish; they want to replace it with the less polemical and more productive spirit of open inquiry, particularly inquiry into better policy outcomes for the community at large. Critics then wonder: if only the focus of parliament could become less short-term and tactical, and more long-term and strategic.

I do not necessarily disagree with any of this hope for renewed strategic capability. But I suggest that the first step forward is to rethink the model of effectiveness that drives our despair over prevailing practice. The conventional call for reform takes it for granted that parliaments exist as potentially coherent institutions — it presumes that parliaments are like blunt pencils that simply require sharpening to make them more effective as instruments of government. But my alternative argument is that parliaments are not *instruments of government* at all; rather, they are a set of *institutions of governance*.⁶ Instruments of government reflect the preoccupations of governments of the day in implementing declared government policy; by way of alternative, instruments of governance reflect the needs of the wider political community for fair and transparent processes of public decision-making. Most of what I have to say teases out implications of this difference between two different expectations of parliamentary effectiveness: one expectation looking to parliament as an effective instrument of government serving the interests of political executives; and the other expectation, which often gets less than its fair share of attention, looking to parliament as a set of institutions of governance, serving the interests of the wider political community.

To help clarify discussion, I want to characterise the three general orientations to the ‘issues confronting parliaments’ mentioned earlier. The first or cynical view holds that only governments can help parliaments. The second or realist view holds that parliaments can help governments, but only if they move away from the sphere of immediate party-political conflict. The idea here is to move beyond point-scoring adversarialism and try to make useful contributions to public policy — as distinct

Weller, eds, *Institutions on the Edge?*, Allen & Unwin, 2000, 10–44.

⁵ See, for example, P. Wilenski, ‘Can Parliament Cope?’, in J.R. Nethercote, ed., *Parliament and Bureaucracy*, Hale & Iremonger, 1982, 319–27; and J Wanna, J Kelly and J Forster, *Managing Public Expenditure in Australia*, Allen & Unwin, 2000, 27–47.

⁶ John Uhr, *Deliberative Democracy in Australia: the changing place of parliament*, Cambridge University Press, 1998, 213–31.

from contributions to party-political stratagems. The third or idealist view holds that parliaments can help the people, but only when they are prepared to let people help parliaments. The test of a parliament's preparation is the willingness of its members to listen to citizens and take political listening as one of their core responsibilities as elected representatives. When parliaments listen to and represent the spectrum of community voices, they are better placed to use their formal parliamentary powers to promote responsible and accountable government.

Three political perspectives

I want to argue the case for the third or idealist view. Let me briefly elaborate the three orientations before explaining why I favour the idealist orientation and its model of an effective parliament.

The first orientation is the somewhat cynical view which holds that nothing about parliaments will change until governments have reasons to make changes. And we know that 'governments' are just fancy names for 'parties in government'; and few political parties intent on governing ever want stronger parliaments, for fear that this strength will one day be used against them. Politics being what it is, it is wasting one's time to idealise about institutional reform when the cards are stacked against major institutional change. I term this view 'cynical' because it eats away at our civic hope that we can organise our public life around stronger political values and better practices of democratic self-government.⁷

The second orientation is the plea of the realist who says that even though only modest or incremental change is possible, that is better than the *status quo*. This is the view of the innovator committed to trying to inject a saving dose of rationality into political life.⁸ In this view, parliaments have the potential for considerable innovation even when we accept that we can not really replace many of the things which lower the public reputation of our parliaments, such as the petty adversarialism frequently found in Question Time. Change is possible, particularly if we can get members of parliament to stop looking over their shoulders all the time, weighed down with inherited problems, and start looking straight ahead, facing up to tomorrow's problems. By facing ahead into the future, members of parliament could begin using their powers of public inquiry to anticipate policy problems and not be wholly preoccupied with inherited solutions to past problems. This orientation reflects a form of political realism that tries to make the most of the circumstances that we find ourselves in, and to open up a new front for

⁷ Consider C.B. Macpherson, *The Real World of Democracy*, Oxford University Press, 1965, 35–45; M. Saward, ed., *Democratic Innovation: deliberation, representation and association*, Routledge 2000; and B. Hindess, *Parliamentary Democracy and Socialist Politics*, Routledge, 1983.

⁸ See, for example, P. Wilenski, *Public Power and Public Administration*, Hale & Iremonger, 1986, 50–63; and F. Chaney, 'Should Parliament be Abolished?', M. Sawyer and S. Miskin, eds, *Representation and Institutional Change*, Department of the Senate 1999, 131–41.

parliamentary activity — one that will not threaten the immediate interests of serving governments, but one that might well pay dividends over time.

The third orientation is the one associated with democratic idealism. We understandably suspect that a call for idealism is asking too much of individuals and institutions; but we also suspect that this call is better than the alternative of asking too little. The idealist orientation holds that parliaments are meant to serve the citizens who elect them, and idealism invites us to try to imagine new ways this form of public service might operate.⁹ The decade or so since the collapse of the Berlin Wall has reminded even the most cynical of us that imagining change can have a very practical effect in helping to mobilise support for very real institutional reform. The idealist view says that parliaments are effective to the extent that they listen to the people they pretend to represent and they can in turn get governments to listen to them. Idealists might be dreamers but they are not, by definition, fools. They know that parliaments will listen most attentively to people who have power to elect or unelect their representatives. Further, they know that governments will listen most attentively to parliaments with real institutional power over government, particularly the legislative power to veto or qualify government initiatives in law or policy.

Getting real about reform

Each orientation to parliamentary reform has merit. Each gives rise to a priority list of 'issues confronting parliaments'. Each reflects a worthy perspective, with the realist one reflecting many of the best hopes of those close to the inner process of government, while the two extremes of cynicism and idealism reflect more detached perspectives. Let me retrace my steps through these three orientations, aiming now to build my support for the third orientation with its challenging idealism.

We can begin with the cynic, who calls on us to 'get real' about parliamentary reform. The cynic says that debate over parliamentary effectiveness is not that significant as a political issue. If change comes, it will only come when there is sufficient political will. The real test of willingness to change is the attitude of the governing parties which for the most part dominate parliamentary institutions. When the degree of domination by governing parties is weak, such as in the Australian Senate, then there is real prospect for change. But even that change faces predictable limits: all the major political parties have an interest in restraining the intrusive power of upper houses to review or obstruct government. And those same parties know that the public is more concerned about the known and felt qualities of government, than the unknown and largely invisible qualities of parliament. Not only do the major parties tolerate a large degree of parliamentary ineffectiveness, they thrive on it! Each knows that when their turn comes to serve as the government

⁹ See for example, I. Marsh, 'Opening up the Policy Process', in Sawyer and Miskin, eds, *Representation and Institutional Change, op cit*, 187–97; Uhr, *Deliberative Democracy in Australia, op cit*, 233–47.

of the day, the most valuable function of parliament is as a studio for the media to use when transmitting government messages.¹⁰

The cynic's orientation also dampens the hope for reform by denying public interest in parliamentary improvement. Opinion pollsters know a lot about what people think, and when you look over records of public opinion you will not find many that record what people think of their parliaments. You will find plenty of data about what people think about governments and about politicians but very little research dealing with public opinion about the institution of parliament. We know what people think of 'government' in general and of 'politicians' in particular but we know next to nothing about what they think of parliaments as significant public institutions.¹¹

One explanation might be that the question has simply not been asked: opinion pollsters have never given people the opportunity to record their views about parliament. Another explanation is that parliament does not really exist in the public mind as a separate institution distinct from government and politicians. It makes little sense for opinion analysts to collect information about public attitudes to parliament if the public has no attitude. Thus, cynics might suggest that the first and most fundamental challenge facing parliaments is to demonstrate that they exist as separate and distinct entities serving some valuable public purpose, whatever that might be.

What we do know is that ordinary people (who are ever increasingly *not* party activists) value the fact that they are citizens, they respect their rights and responsibilities as voters, they take seriously their civic obligations at election time, and that they know that their vote helps to determine not only their local representative but more broadly who governs: based on how all the other voters in all the other electorates cast their votes for their local representatives. Our system of responsible government works by installing a party in government which is given the responsibility to get on with the job of governing. Voters know that parliament is the place that elected politicians go to do this job of governing. And they see them doing this job of governing when they view brief extracts from parliament on television during the evening news, typically scenes of Question Time or of political reporters located in or around parliament reporting on the fate of the government of the day.

The story that emerges is this. Parliament is more of a political *location* than a political *institution* — a venue where government is acted out. It is the public face of the process of government. In most Australian situations, it is also the place where government is acted out in private, where the governing group of the governing party meet as a cabinet. The fact that parliament is where the government

¹⁰ J. Rydon, *A Federal Legislature*, Oxford University Press, 1986, 6–45; D Horne, *Looking for Leadership: Australia in the Howard Years*, Viking 2001, 74–80.

¹¹ I. McAllister and J. Wanna, 'Citizens' expectations and perceptions of governance', in G. Davis and P. Weller, eds, *Are You Being Served?* Allen & Unwin, 2001, 7–35.

is on public display and where the government displays itself tells us much about the role of our parliaments. Governments have options: they can meet wherever they like. Governments determine when parliaments should meet and when they should disperse, indeed when they should 'dissolve', to use that wonderful expression which conveys just how immaterial parliaments really are.

The reformism of realism

But there is more to life than political cynicism. Change does occur and not always at the whim of governments.

Let me now reconsider the realist orientation, which is one about making parliaments more influential in government decision-making. This holds that parliaments might be powerful in theory but in everyday practice much of that power is wasted. Parliaments work well as electoral colleges, so this argument goes. Parliaments reliably determine which party should govern and they do not get in the way of decisions by governing parties about which particular individuals should hold which ministerial offices. Parliaments vary in how effectively they monitor the conduct of ministers, and there is usually plenty of room for experiment and improvement in relation to such prominent parliamentary processes such as Question Time. But Question Time is not where the government governs; it is where the alternative government tries to ungovern the government by testing the ministry's public credibility. It is more about *gullability* than government: an unavoidable but not very admirable feature of our adversarial system.

The realist's reform path points in other directions.¹² Leave the foibles of the front-bench well enough alone and build instead on the back-bench. Why not focus instead on reforming parliamentary committees so that they might stand aside from the arenas of adversarialism and try to contribute to public policy development in calmer, more strategic ways? When committees deal with matters of current partisan dispute, as often found in proposed government legislation, they too frequently become carriers of those disputes. The committees eventually split along partisan lines and can entangle witnesses in their internal squabbles. When parliamentary committees mirror the partisan fault lines of the parliamentary chambers and replicate the worst excesses of adversarialism, then the committees have lost their value as community forums. A good working example is the early 1990s establishment of the House of Representatives 'standing committee for long term strategies' at the urging of Labor's Barry Jones. The committee ceased operations in 1996 after publishing a series of non-partisan reports on significant but non-controversial issues.

¹² P. Wilenski, 'Can Parliament Cope?', *op cit*; I. Marsh, *Beyond the Two Party System*, Cambridge University Press, 1995, 335–55; P. Weller and L. Young, 'Political Parties and The Party System', in M. Keating, J. Wanna and P. Weller, eds, *Institutions on the Edge?*, Allen & Unwin, 2000, 155–77.

Critics note that under routine circumstances of partisan adversarialism, committee activity often fails to ‘add value’ to the parliamentary process. They then ask how we can reform the process so that parliaments can get away from the reactive routines of politics, and exercise some small but valuable degree of institutional leadership and thereby generate some ‘value-added’ to government. The realist’s standard answer is that parliaments should invest in new policy capabilities by ‘getting ahead of the curve’ of government preoccupations. They should begin to use committees to open up newly emerging policy problems for public inquiry — before the policy problems become politicised; and well before governments bring in legislation to deal with unforeseen problems.

The idea would be to use the public inquiry process to try to generate *political* — and ideally *social* — consensus about policy priorities and the range of feasible solutions worth exploring more closely. In this way, parliaments or at least their committees can become policy brokers and the effectiveness of parliaments can be judged in terms of their contribution to policy brokerage. The value here would be that parliaments could bring together the relevant policy experts and facilitate public support for emerging policy developments — well before governments or Oppositions move in to politicise the issue. If done well, committees could frame policy in ways that discipline the more unruly policy actors.

This attractive call for non-partisan parliamentary inquiry is often presented as future-oriented, although in fact it reflects many of the best practices of much earlier parliamentary practice. Supporters of the realist option can take comfort from the remarkable productivity of the Senate’s oldest surviving committee, that on Regulations and Ordinances established in 1932. This committee models in miniature, as it were, the realist preference for non-partisan scrutiny of government by avoiding any direct review of the policy merits of specific statutory instruments. Instead, the committee examines the degree of compliance by government with formal standards of procedural justice when making regulations. The result is an archive of influential reports, almost all reflecting the model of cross-party consensus which is the dream of the realist reform vision. By building up long-term capacity for this sort of procedural investigation, this Senate committee has established a track-record of productivity that is the envy of conventional parliamentary committees which fracture along partisan lines.¹³

Listening to idealism

If the realist orientation is thus preferable to the cynical position, then what can be said about the third viewpoint, which is ‘idealism’? My idealist agenda is much less rational and tidy in what it expects of parliaments. Although the idealist orientation is not one of make-believe, cynics would argue that it is and, as proof, they would contend that there is no such thing as ‘parliament’. Cynics would argue that

¹³ See H. Evans, ed., *Odgers’ Australian Senate Practice*, 10th edn, The Senate, 2001, 376–8.

'parliament' is a convenient term that abstracts from political realities: instead of there being one single institution called parliament, there are in fact many competing organisations using the name and authority of parliament. Thus under the cover of parliament we can locate the real life of competing chambers, a range of political parties, squabbling factions, a formidable list of ill-assorted committees, even competing clerks, and so on.

Having worked in a parliament and seen much at close quarters, I accept all that. But my idealist orientation also recognises that what these sub-units of parliament are struggling over are, as it were, the articles of association for the merger of political *power* and parliamentary *authority*. All the squabbling units share a recognition that power is there for the taking *if* — and it is a very big *if* — one can stitch together a coalition of powers to use the formal constitutional authority of parliament. The institutional property that comes closest to defining the basic authority of a parliament is *legislative power*. Elected representatives are *legislators*, holding public office in a *legislature*. The authority of parliament rests on this very great institutional power to legislate — even if only to authorise in formal terms a government's proposed legislation. Whatever effectiveness parliaments have, in any of their many spheres of activity, derives from this formal power over legislation.¹⁴

The reason that we demand that parliaments be *representative* is that we know that this power goes to the very heart of our political system — reflecting our political ideals of self-government. Over the century of Australian self-government, little has changed in the formal arrangement of legislative power in the national Constitution; but what *has* changed very dramatically are the political and community norms of representativeness expected of parliaments. While the formal powers have remained largely unaltered, the norms have changed in line with rising community ideals of a fully representative parliament.¹⁵

Three issues for idealists

I want now to elaborate on the idealist orientation by presenting three examples of 'issues confronting parliaments' illustrating how idealism can make a practical impact. The three examples relate to what I take to be three of the core activities of any parliament in Westminster-derived political systems: representation; legislation; accountability.¹⁶ Each example calls on parliaments to lift their listening game in keeping with evolving democratic ideals.

¹⁴ Uhr, *Deliberative Democracy in Australia*, *op cit*, 122–50.

¹⁵ G.S. Reid and M. Forrest, *Australia's Commonwealth Parliament, 1901–1988*, Melbourne University Press, 1989, 84–133.

¹⁶ Uhr, *Deliberative Democracy in Australia*, *op cit*, Part Three, 103–209.

First example: representation. Here the basic issue confronting parliaments is reforming their electoral systems to widen the range of interests represented in parliament.¹⁷ Take the Australian Commonwealth Parliament as a case in point. The Howard Government came to power at the 1996 general election. They won government but they actually lost the election. The coalition won less than 50 per cent of the vote yet it won nearly 65 per cent of the seats in the House of Representatives. They were re-elected in 1998, when their share of the primary vote fell to under 40 per cent. Still they retained nearly 55 per cent of House seats. To be sure, Australian elections are determined by a system of ‘two-party preferred’ voting: but at the most recent general election, the governing coalition won its 55 per cent of House seats with less than 50 per cent of the ‘two-party preferred’ vote (49.02 per cent in fact).¹⁸ This House of Representatives situation is typical of many other democratic systems, where an increasing proportion of voters are turning away from the major parties — only to be punished by the electoral system which denies them any parliamentary representation. The Australian situation is saved to a considerable extent by the existence of the Senate and its system of proportional representation, which allocates seats more strictly on the basis of the relative strength of voter support. The basic issue is voter alienation, and it is time for the major parties to stop complaining about it and to do something about it. It is not voters but parliaments that are the problem: mainly because they are too slow to use their legislative power to open up parliamentary representation to those minority groups whose views they do not want to hear.¹⁹

Second example: law-making. Australian parliaments simply do not give themselves enough time to legislate well. The classic recent example was the attempt by the Howard Government to rush new laws through parliament to provide retrospective validity for its actions in detaining the Norwegian ship, *Tampa*, and its 460 asylum seekers. The Opposition claimed that it had only 40 minutes advance notice to form a view before the legislation was introduced and the House of Representatives was called on to vote on the bill, which was later rejected by the Senate. This highlights the general situation: governments give parliaments too little time to do justice to the legislative process.

Some statistics: the Australian House of Representatives sat 73 days in 1999 and again in 2000. In 1999 some 174 bills became law, with 201 bills becoming law in 2000. That makes a ‘bill-passage rate’ of just less than 2.5 bills per day for 1999 and around 2.75 bills per day in 2000.²⁰ That sounds quite leisurely. But during the

¹⁷ M. Sawyer and G. Zappala, eds, *Speaking for the People: Representation in Australian Politics*, Melbourne University Press, 2001.

¹⁸ Statistics derived from *Electoral Pocket Book*, Australian Electoral Commission, Canberra, 1999.

¹⁹ Consider the many delays in the long history of the introduction of proportional representation in the Senate as reported in J. Uhr, ‘Why We Chose Proportional Representation’, in Sawyer and Miskin, eds, *Representation and Institutional Change*, *op cit*, 13–40.

²⁰ Statistics drawn from House of Representatives publications, including *Work of the Session* and L. Barlin, ed., *House of Representatives Practice*, 3rd edn, AGPS, 1997.

first decade following Federation, when the new nation was being legislatively constructed, the House sat on average for 95 days a year, passing on average 23 bills per year: passing on average one new bill every 5 sitting days. Now the average is 2.75 bills every sitting day. When one takes into account that legislating occupies only slightly more a half of the business time of the House of Representatives, the situation looks grim. During the century of Federation, the House of Representatives has cut its sitting days by about one third and increased its legislative output by around two thirds! (I accept that the statistics do not factor in the significance of the two enlargements of the size of the House — the implication being that more members now can do more work in less time than earlier.)

Parliaments *can* fight back: for example, the House of Representatives has established the Main Committee as a second track to progress legislation away from the floor of the chamber.²¹ Perhaps even more significantly, during the last decade the Senate has instituted internal rules to slow down the legislative process, not by extending its hours but by limiting the number of bills that it will process. It has imposed strict time-tabling requirements that give the Senate more time, or at least take the pressure off towards the end of legislative sessions when governments in particular are tempted to rush things through.²² The greater the time available to parliaments, the greater the opportunities legislators have to listen not only to one another in debate but also to community views put at public hearings.

Third example: accountability. If governments were genuine about their obligations of parliamentary accountability, they would at the very least respond to reports from parliamentary committees of inquiry. They do not have to agree with the reports or accept any of their recommendations, but they should formally respond, on the public record in parliament and invite open debate about the appropriateness of the government's response.

Again, some statistics: although Australian national governments proclaim that they will respond to reports from parliamentary committees within three months, in practice this is the exception rather than the rule. Each chamber now periodically tables lists of government response timetables. Recent Speaker's lists identify many reports approaching their due-by date but also identify 49 overdue responses.²³ The June 2001 list also makes it clear that government responses are typically overdue: many between 6 and 12 months, with some approaching 24 months. Perhaps the most significant finding is that of those reports to which the list identifies a government response, *none* is within the specified timeframe: my rough and ready estimate is that the average response time is around 16 months!

The lists by the President of the Senate deal with a range of joint and Senate committees, including many committees of the Senate where the Government does

²¹ Barlin, ed., *House of Representatives Practice*, *op cit*, 363–4.

²² Evans, *Odgers' Australian Senate Practice*, *op cit*, 23–5.

²³ *The Speaker's Schedule of Outstanding Government Responses*, June 2001.

not have a majority and might be thought to be sensitive to the need for compliance with the three month rule. But the latest list shows that of 76 reports to which the Government has recently responded, only one has been within the specified time frame.²⁴ All eventually get a response, but some are not for many months: of these 76 tardy responses, more than a dozen are over 12 months, with six or more over eighteen months. To repeat, the issue is an important democratic one of governments' learning to listen. Why should community groups bother to put their views to parliamentary committees if governments never bother to listen to the committees? And why should community groups bother to pay attention to parliamentary committees if parliaments do not act to repair the problem of non-listening governments?

A final example: what are parliaments doing to help governments pay closer attention to reports from such governance experts as Auditors-General?²⁵ It is not feasible to expect parliaments themselves to be in a position to evaluate the performance and accountability of government agencies, so it makes sense for them to defer to Auditors-General as expert advisers on 'good governance'. But parliaments have been slow to get involved in protecting the public value of many such accountability agencies, be they auditors or ombudsmen. Even where parliaments have become involved in sharing the appointment process with the political executive, they have still been slow to come to the public aid of accountability officers when they are ignored — or worse, threatened — by the political executive. As the 1999 State election in Victoria seems to suggest, voters see such things, and probably wonder why they have to use their ultimate 'outsider' power of changing governments, when parliaments themselves must have plenty of 'insider' opportunities to change the conduct of governments. If only parliaments more actively helped those that they flatter with the title of 'independent parliamentary officers'.

Conclusion

The practical strength of idealism is that it tries to keep us true to our most valued commitments. Idealism does not pretend that parliaments can transform themselves into *instruments of government*. That is not where parliaments are very effective. Ideally, parliaments are better suited to act as *institutions of governance*, keeping governments honest to the evolving norms of democratic governance. Parliaments are at their most effective when performing governance functions in the three core areas of representation, law-making and accountability: representing the widest sweep of electoral viewpoints, bringing greater public deliberation to the legislative process, and holding government publicly accountable for its performance in executive office.

²⁴ *President's Report to the Senate of Government Responses*, June 2001.

²⁵ Consider in this regard R. Mulgan, 'Policy versus Administration', *Canberra Bulletin of Public Administration*, no. 101, September 2001, 38–40.

Cynics will warn that governance is just a fancy name for intrusive checks and balances, whereas the work of real governing is a job for leaders prepared to take charge and make hard decisions. Realists will warn you that governance is all about process whereas real governing is about policy development and policy making. But the test of any system of democratic governance is the extent to which it promotes democratic representation, democratic law-making and, not least, democratic accountability. The issue is not what particular governments want but what the system of government needs. ▲